Supreme Court, U.S.
FILED
JAN 21 2010
OFFICE OF THE CLERK

No. 09-738

In The Supreme Court of the United States

JOHN PHILIPPS,

Petitioner,

v.

CITY OF OAKLAND, CALIFORNIA
KAREN P. TANDY, Administrator, U.S. DEA
SCOTT N. SCHOOLS, U.S. Attorney, CAN
ARNOLD SCHWARZENEGGER,
Governor of the State of California,

Respondents.

On Petition for a Writ of Certiorari To The United States Court of Appeals For The Ninth Circuit

SEPARATE APPENDIX, SUPPLEMENTAL BRIEF

John Philipps
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(510) 261-7821, (510) 575-4782
Petitioner in pro se

SUPPLEMENTAL BRIEF OF PETITIONER

Pursuant to Supreme Court Rule 15.8, I, the petitioner, am submitting this supplemental brief to call attention to newly found evidence not available at the time of my last filing.

On December 14, 2007 the City of Oakland's and Arnold Schwarzenegger's requested Motions to Dismiss were granted in The United States District Court for the Northern District of California (No. C 07-3885 CW). The order states that I failed to file an Objection to the Defendants' Motions to Dismiss by the deadline of 10-18-07 order of the court.

I have been at a disadvantage in these proceedings partly due to my pro se status, also due to my medical condition. I have been diagnosed with Depression and Post Traumatic Stress Disorder which I take medication for (See Patent Documents in Separate Appendix pgs. 3, 40). My disability is the reason I did not initially question the Court's order granting Defendants' Motions to Dismiss. I, and all Americans rely on the Judicial system to be true, and just in its rulings.

While sorting through some documents in storage, I discovered that I had in fact filed and

sent copies of my Objections to the Motions to Dismiss to the appropriate parties in a timely manner.

Page 4A of the petition states that on October 4, 2007, I was given the deadline of October 18, 2007 to serve said Defendants (State of California & City of Oakland.) Federal Defendant deadline 3-20-08).with an Objection to their Motion to Dismiss. In this instance, I filed my objection before a deadline was ordered by the court. This is because I received the Motion to Dismiss before the court gave the order.

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF ALAMEDA, MISCONDUCT

Proposition 215, Section C "The Compassionate Use Act of 1996" Section 11362.5(C) To encourage the Federal and State governments to implement a plan to provide for the safe and affordable distribution of marijuana to all patients in medical need of marijuana. The proposition was Voted into Law during a state-wide election, and as such it is the Will of the Citizens of the State of California.

It was the duty of the Superior Court of the State of California, in Alameda County, to uphold the Will of the California Voters, by enforcing the implementation of Section C of the Compassion Use Act of 1996.

Instead, the Superior Court chose partisan interests and politics to circumvent the will of the voters and by turning a blind eye, burying the facts and hiding the Truth, that there are finally two Federal hemp businesses that offer safe and affordable distribution of medical marijuana, by not implementing Section C, Prop 215, the Superior Court of the State of California **committed voter fraud**.

Change of Plea transcripts of 3/08/04, had its language altered. Petitioner's statements had been deleted: "I am advocate of medical and industrial hemp. I have a right as a landlord to rent on my land, charge a fee under contract."

Sentencing transcripts of 4/19/04, was not filed until almost a full year later on 3/09/2005. The following statements by Petitioner were deleted:

The Court: Sentencing conditions?

D.A.: Mr. Philipps may possess marijuana for personal use.

John Philipps: **And cultivate!**

The Court: What??

D.A. Mr. Philipps may grow.

The Court: **Federally?**

D.A: Yes, it is part of the Plea Agreement. Mr. Philipps cannot be a caregiver as he stated.

The Court: Are we finished?

The court proceedings adjourned immediately.

Any reasonable observer would conclude after combining the two sets of deleted statements, that John Philipps can grow marijuana federally and charge a fee under contract.

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Item 1. Proof of Hand Delivery of Petitioners Objection to Respondents City of Oakland's Motion to Dismiss, Case No. C07-03885, by Professional Process Service to Law offices of: Scott N. Schools , U.S. Attorney. Sept 27, 2007, at 11:17am. These documents were delivered before the deadline set by Federal judge, Claudia Wilkens of 10-18-2007.Page 2. Extension of deadline for DEA Defendant to March 20th, 2008

Item 2. Extension of deadline for serving defendants, DEA, until Mar 20, 2008.

Item 3. Express Mail receipt to U.S. Attorney Michael D Pyle dated 3/19/2008, Certified Mail receipts for City of Oakland and State of California

Item 4. Receipts dated 9/29/07 as Proof of Service to Offices of DEA, Alexandria, VA, State of California, City of Oakland, Office of Attorney, Michael Pyle

Item 5. (top) Certified Receipts of Service to DEA, State of California dated 9/29/07

(middle of page.) **Office of Assessor** dated 1993 (bottom of page) **2003 Tax statement** addressed to 2337 Ransom

PG&E notice dated 1998 addressed to Wolford & Philipps re: Our Income Property

By distorting the facts, this is proof of intentional fabrication of evidence by DEA Nehring, not stating facts that Wolford receives mail at 2337 Ransom Ave ; Nehring omits that Wolford is my Real Estate partner. (See page. 12 of **Affidavit for Search Warrant** , Supplemental Brief, Separate Appendix) Paragraph 4 - Nehring refers to addresses of Wolford, 2337 Ransom Ave

Item 6A.,6B, p. 84. News article about the firing of Officer Rush, who was a witness in case #505113A and B. "Fruits of the Poisonous Tree".

(Middle) Item 6. Supplemental Clerk & Docket Minutes 4/6/05, Sworn Testimony of Officers Karla Rush OPD,

(Bottom) p. 84 lines 17-28, Officer Rush giving false testimony.of transcripts from 4-5-05 lines 17-22. Officer Rush lied about plants in basement of 2337 Ransom. 45 plants subtracted from 166 is 122. Attorney Lancaster was a personal friend for 40 years and had knowledge that there is no basement at 2337 Ransom.

Item 7. Court document dated 12/21/2004. This is where fraudulent case starts, Case #149732, Philipps A, Clancy B See **Patent Documents Separate Appendix, (W.C.)**, refer to page 16,

Philipps trailing docket #147116 not fraud case, #149732.

Item 8. Thumbprint is not mine; compare with my actual print outside of box. Fraudulent arraignment for 4/20/05, never taken out of cell on this date for prints.

Item 9. Top of page states Copy I have just received from Court Reporter (NOTE: No case number 149732 written by reporter on this document, See **Patent Documents Separate Appendix (W.C.)** p. 15 149732 handwritten for preliminary hearing, date 4/05/2005

Bottom of page DMV 1993 Printout, Residence Address as of 1988, lists address 2337 Ransom Ave, most recent address. Other address 1984 2337 Ransom Ave. **This is proof of intentional fabrication of evidence by Agent Nehring** not telling the truth in his **Affidavit for Search Warrant**, (see page 12, paragraph 3),

Subsequent inquiries of DMV records reveals the most recent address 2000; Agent Nehring omits fact that DMV automatically goes back 10 years for DL printouts of address.

Item 10. DEA Change of Plea dated 3/08/2004. Note that my trailing docket is #147116, NOT fraudulent case #149732, (see **Page 8**.)

Item 11. Affidavit for Search Warrant Filed 10/08/2003 with unknown arrest number or register number

Item 12. S/A Nehring makes statement that the only phone number for this structure is 510-261-7821 (See **Supplemental Brief, Separate Appendix** p. 14, Phone bill date 1993 for 510-261-7821) For the record John Phillips has had the same telephone number since 1974.

Item 13. California Fair Plan Assoc., Dwelling Fire Policy dated 1996: Insured Philipps and Wolford 2335 Ransom Ave, Apt A SEND TO: 2335 Ransom Ave, Apt A.

DEA agent Nehring does not reveal the fact that he is well aware that Mr. Wolford is my real estate partner. Insurance companies know the facts of physical addresses for insurance policy purchases, This demonstrates fabrication of evidence by Agent Nehring.

Item 14. Phone Bill date 1993, John Philipps, 2337 Ransom Av, 510-261-7821. Refer to page 12 of Affidavit for Search Warrant. Agent Nehring makes statement that this is the only phone number for this structure. Agent Nehring uses "basic investigative techniques wherein address and phone numbers, ownership and real property records reviewed by Special Agent Nehring," is

well aware after his investigation that records go back at least 10 years.

Item 15. Two Subpoenas included. County of Alameda, State of California, (Top) Addressed to Paulette Aveau, 2335 Ransom Ave, Apt. A, and the other subpoena (Bottom) addressed to John Philipps, 2337 Ransom Ave.

DEA Special Agent Brian Nehring has provided evidence in his Affidavit of Search Warrant that all other law enforcement agencies, the county recorder, the California DMV, Office of the City Attorney and the Oakland Police Department are aware of two separate structures with two different addresses on the Ransom Avenue plot. (See **Sanborn Map**, p. 21, Patent Documents Separate Appendix)

Despite all of this evidence, DEA Special Agent Brian Nehring chose to intentionally fabricate evidence to support the intentional false arrest of the Petitioner. Agent Nehring made false statements in official reports and violated the constitutional civil rights of John Philipps.

The examples above uncover a pattern of behavior involving intentional fabrication of evidence and proof of intentional false arrest beyond a reasonable doubt.

This is federal criminal misconduct by Agent Nehring.

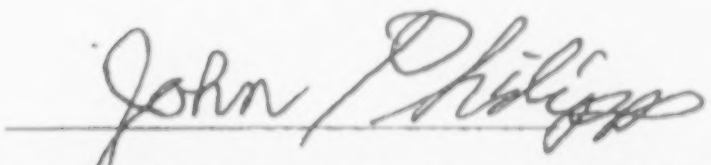
Combined with the California Superior Court's action of creating a fraudulent case. Along with the Court not implementing Section C of Prop 215, when the Court realized they had two lawful Federal marijuana businesses incarcerated in jail, any reasonable observer would conclude this is

EVIDENCE FOR FEDERAL GRAND JURY.

CONCLUSION

Therefore, I pray that this court grant me a federal grand jury, not only for justice for myself, but also Justice for the American people and the patients who need Federal medical marijuana.

Dated: February 17th, 2010



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